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Chairman: Mr. Lelong ..... (Haiti)

Content.

Agenda item 165: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*)

Agenda item 172: Observer status for the International Hydrographic Organization in the General Assembly

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The meeting was called to order at 10.05 a.m.

Agenda item 165: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/56/33, A/56/303 and A/56/330)

1. **Mr. Tarabrin** (Russian Federation) said that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization had served to adapt the Charter of the United Nations to changes in international relations, and that it would contribute greatly to the implementation of the decisions adopted during the Millennium Summit concerning the international rule of law. His delegation believed that the application of sanctions should be a priority issue for the Special Committee. In that connection, it expressed appreciation for the consideration given to its working paper entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation" (A/AC.182/L.100) (A/56/33, chap. III (B)). Sanctions were very important in promoting international peace and security and preventing conflicts, but they should be used only where other means had been exhausted, and there was a need to consider carefully the reasons for their imposition, take into account humanitarian issues, and consider the possibility of modifying them. Sanctions should not lead to a worsening of the socio-economic conditions of the population or cause subsequent humanitarian disasters. The end did not justify the means, and it was unacceptable that whole nations should be punished to achieve a noble purpose. It was therefore appropriate to adopt principles for the imposition of sanctions by the Security Council. In that connection, the Russian Federation welcomed the adoption of General Assembly resolution 55/157 and the approval of the report of the Secretary-General on assistance to third States affected by the application of sanctions (A/56/303), and hoped that the next report would have a more analytical character. It would also be advisable for the Sixth Committee to establish a working group on assistance to third States.

2. With regard to the legal basis for peacekeeping operations under Chapter VI of the Charter, the extensive problems which the United Nations now faced called for radical improvements; the experience gained during more than 50 years of peacekeeping operations should be utilized, and the growing number of such operations should be taken into account in establishing principles to guide States. The Special Committee must consider numerous legal issues, such as the goals of peacekeeping operations, defining their mandate, specifying the principles guiding the work of peacekeepers, agreement of the parties, neutrality and impartiality, the non-use of force and the exceptions which peacekeeping operations carried out in self-defence implied. By focusing on the legal dimensions of peacekeeping, which derived directly from the Charter, the Special Committee could maintain contacts with other United Nations bodies dealing with other practical aspects of the matter, especially the Special Committee on Peacekeeping Operations. With regard to the proposal contained in the document submitted by his delegation and the delegation of Belarus (A/AC.182/L.109/Rev.1 and 2) (A/56/33, chap. III (G)) to request an advisory opinion from the International Court of Justice as to the legal consequences of the use of force by a State or group of States without the consent of the Security Council or in exercise of the right of self-defence, he said that the document would serve to determine the legal limits of self-defence and to strengthen the role of the United Nations in promoting international peace and security, as it would have the support of the supreme legal authority.

3. With regard to the Trusteeship Council, his delegation reaffirmed its opposition to abolishing the Council or assigning a new role to it, and believed that the matter required thorough analysis. The Council's mandate under the Charter had not yet expired, and there was no need to revise the Charter. On another matter, his delegation welcomed the Secretary-General's efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*, and shared the view of other States that the work of the Trust Fund for the updating of the publications should be supported. Lastly, with regard to the proposals for streamlining the working methods of the Special Committee, his delegation was in favour of maintaining its current working methods and opposed any reduction in the duration of its sessions.

4. **Mr. Hafrad** (Algeria) said that he regretted that the results of the Special Committee's work in pursuit of its mandate to examine proposals relating to the Charter of the United Nations and to the strengthening of the role of the Organization had been unimpressive, owing to the fact that the Special Committee had

gradually deviated from that objective, in practice discharging only the second part of its mandate. Even in that area, the results achieved by the Special Committee over 25 sessions were slight, being virtually limited to the Manila Declaration on the Peaceful Settlement of International Disputes and the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security. That situation was due neither to the working methods of the Special Committee nor to the absence of specific and relevant proposals, but rather to the fact that certain parties would not permit the Special Committee to carry out its mandate fully. His delegation considered it necessary to rework the obsolete provisions of the Charter and to renew institutions and their relationships within the Organization. It therefore welcomed the initiatives taken by the President of the General Assembly to improve its working methods.

5. Inasmuch as the sole purpose of sanctions was to modify the behaviour of a specific State, a large number of countries that suffered their effects were fully justified in striving to define norms and fundamental principles to govern their imposition and seek ways to forestall their consequences. In that connection the documents submitted by the Russian Federation and the Libyan Arab Jamahiriya were of particular interest. Sanctions constituted an extreme measure and should therefore not be imposed unless all peaceful means to resolve disputes and conflicts had been exhausted. Their application should comply with the provisions of the Charter, the norms of international law and the principles of justice. It was also essential to establish very specific conditions for the lifting of sanctions and to assess the potential short-term and long-term economic, social and humanitarian consequences objectively, both for the target State and for third States. His delegation therefore proposed that the document submitted by the Russian Federation should be examined further. In the adoption of sanctions, the humanitarian situation must be taken into account or the sanctions must be suspended temporarily in the event of force majeure, so as to avoid unnecessary suffering of the most vulnerable groups in the target State, as in the case of the Iraqi people. Regarding third States affected by sanctions, Algeria agreed that Article 50 of the Charter could not be construed as a mere procedure: collective responsibility, which was the fundamental characteristic of the system of security established by the Charter, must also govern the modalities of distribution of the burden resulting from the imposition of sanctions. It would be wise to examine the proposal of the Non-Aligned Countries to establish a permanent mechanism of dialogue to prevent the negative effects of sanctions, so as to remedy the difficulties faced by third States affected by the application of the measures provided for in Chapter VII of the Charter. In that regard, Security Council resolution 1343 (2001), which provided for a period of two months before sanctions came into force, was an important landmark, because it allowed the State in question to modify its behaviour while enabling third States to take steps to mitigate the possible negative repercussions of the sanctions.

6. Regarding the working paper presented by Cuba, entitled "Strengthening of the role of the Organization and enhancing its effectiveness" (A/AC.182/L.93 and Add.1), his delegation felt that the Special Committee might examine the paper and, through its contribution, supplement the efforts made by other bodies to reform and revitalize the work of the Organization, in order that the General Assembly might once again have the authority and powers granted to it by the Charter.

7. Concerning recourse to armed force without the prior authorization of the Security Council or outside the context of self-defence, Algeria supported the paper submitted by the delegations of the Russian Federation and Belarus proposing that the International Court of Justice should be asked to give an advisory opinion on the legal consequences of such recourse. The ideas contained in that paper fully reflected the principles of international law and the Charter of the United Nations. His delegation hoped that a consensus would be reached in that regard so that the General Assembly might request such an opinion pursuant to Article 96, paragraph 1, of the Charter. Inasmuch as more and more frequent recourse was being had to unilateral military operations without the authorization of the Security Council, the opinion of the Court would unquestionably provide the Organization and States with a clearer idea of the cases in which it was acceptable to use force in accordance with international law. As for the other aspect of the mandate of the Special Committee, i.e., peaceful settlement of disputes, the revised version of the proposal submitted jointly by the delegations of Sierra Leone and the United Kingdom included many elements formulated at previous sessions. It would therefore be desirable for the Special Committee to adopt a final decision with

regard to those elements. Algeria strongly believed that there already existed numerous instruments for dispute settlement and that it was more important to put them into practice than to create new ones. Inasmuch as differences of opinion still existed on the question of the future role of the Trusteeship Council, it was premature to adopt any final decision. Nevertheless, his delegation considered that the future role of the Council must be reshaped in line with the general direction taken by the overall reform of the Organization.

8. **Mr. Su** Wei (China) recalled that the question of assistance to third States affected by the implementation of sanctions had been a priority of the Special Committee for several years. His delegation believed that, while sanctions were necessary as a means of resolving international disputes, every effort should be made to limit them and to minimize their use, since they could have significant, wide-ranging and complex consequences and, in particular, could adversely affect third States. It was important to understand correctly the relationship between the Charter provisions concerning sanctions and Article 50, which were complementary and of equal importance. The international community should provide substantive support to the legitimate and reasonable demands of third States affected by the implementation of sanctions and, since there was currently no mechanism for effective assistance and compensation, the United Nations should explore various options for alleviating such adverse effects through various forms of financial and economic assistance. In that regard, the proposals to establish a trust fund and a permanent consultation mechanism deserved in-depth study. Also of interest was the revised working paper submitted by the Russian Federation (A/AC.182/L.100/Rev.1).

9. With respect to the improvement of the Special Committee's working methods and efficiency, the Chinese delegation felt that the working paper submitted by the Japanese delegation (A/AC.182/L.107) was a good basis for discussion, and hoped that the consideration of that issue would result in a platform for further improving those aspects of the Special Committee's work. With regard to the working paper submitted by the Russian Federation, entitled "Fundamentals of the legal basis for United Nations peacekeeping operations in the context of Chapter VI of the Charter of the United Nations" (A/AC.182/L.89/Add.2 and Corr.1), his delegation believed that forces participating in peacekeeping operations authorized or approved by the Security Council should abide by the basic norms of United Nations peacekeeping operations and act strictly in accordance with their mandate; in that regard, the working paper would help to strengthen the management of such operations in the future. Lastly, the informal working paper submitted by Sierra Leone and the United Kingdom (A/AC.182/L.111/Rev.1) was helpful for the further study of ways of bringing existing means of dispute settlement fully into play. With respect to the current and future status of the Trusteeship Council, while the Council had fulfilled the historic mission entrusted to it under the Charter, there was currently no need to abolish it or to change its functions. Its future role should be considered in connection with the possible amendment of the Charter in the context of the general reform of the Organization.

10. **Mr. Ekedede** (Nigeria) said that his delegation felt that sanctions were by nature an extreme measure that should be applied with caution and only when all other means for the peaceful settlement of disputes had been exhausted. They should have concrete goals and should be terminated when those goals were achieved. To mitigate the negative impact of sanctions on the civilian population, the Security Council sanctions committees should periodically review the success or failure of sanctions regimes, assess their impact on the most vulnerable groups and on third States and determine the most appropriate mode of assistance. Some delegations had proposed the idea of targeted sanctions as an effective means of reducing the negative impact of sanctions on the civilian population and on third States. The sanctions committees should consider that proposal, under which sanctions could be imposed on targeted groups within a recalcitrant State; for example, a ban on sales of weapons and accessories to a country's armed forces and restrictions on the travel of high-ranking government officials would help to insulate vulnerable groups and third States from the impact of sanctions. Nonetheless, the Nigerian delegation believed that the cost of mitigating the adverse consequences of sanctions for third States should be borne by the international community and some international financial institutions, particularly the World Bank and the International Monetary Fund.

11. With respect to the peaceful settlement of disputes, emphasis should be placed on strengthening

existing mechanisms, such as by providing the International Court of Justice with adequate resources. The working paper submitted by Sierra Leone on dispute prevention and settlement contained useful proposals that would assist the Special Committee in its work. Early warning was particularly important, and States should make use of various existing procedures and methods, such as fact-finding missions, goodwill missions, special envoys, observers, good offices, mediation, conciliation and arbitration.

12. With respect to the Trusteeship Council, his delegation felt that it should not be abolished, but should be assigned new functions, bearing in mind that it was one of the principal organs of the United Nations and that its existence had no financial implications for the Organization. He therefore urged the Special Committee to undertake a comprehensive study of new areas into which the Council could channel its energy and resources, while taking care to avoid duplication with other bodies both within and outside the United Nations.

13. On the question of the Special Committee's working methods, his delegation shared the views expressed by some other delegations to the effect that the Special Committee should streamline its work through measures such as concentrating on a few selected topics at each session, closely coordinating its work with that of other United Nations bodies to avoid unnecessary duplication, setting time limits for the consideration of proposals and devising a cut-off mechanism for items that had not yielded any tangible results. The Special Committee could also hold informal consultations to identify which areas or issues were broadly supported by delegations. Lastly, his delegation supported the Secretary-General's efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, welcomed the establishment of the Trust Fund for the updating of the *Repertoire* and noted with appreciation that the Governments of Finland, Germany, Portugal and the United Kingdom had already contributed to that fund.

14. **Ms. Álvarez Núñez** (Cuba) said that the Special Committee on the Charter should be the natural forum and ideal tool to promote the strengthening of the United Nations through the examination of all aspects of the observations and proposals submitted by States concerning the strengthening of the Organization's capacity to fulfil its purposes and principles, as had been demonstrated by the debate in the Special Committee during its 2001 session. It was clear to her delegation that the effectiveness of the Special Committee did not depend fundamentally, or in the final analysis on perfecting its working methods, although the formal aspects of its operations could be improved and her delegation was prepared to contribute to those efforts. In recent years, attempts had been made in the United Nations to impose practices intended to undermine the work of bodies like the Special Committee by abbreviating their sessions, making their programmes of work conditional on the outcome of later initiatives of various types by various bodies by claiming supposed duplication of work, and the increasingly frequent use of experts to present specialized reports. If certain States felt it was necessary to institutionalize new practices, reform the Charter of the United Nations or establish new decision-making procedures, the Special Committee was precisely the prime forum for the discussion and substantive negotiation of all such proposals and initiatives. Cuba wished to speak out once again in defence of the United Nations and in favour of a thorough reform that would strengthen the role of the Organization, and especially its deliberative bodies, a reform which it had been advocating since 1992. It was therefore pleased that the report of the Special Committee (A/56/33) had recognized the importance of continuing to study various measures within the United Nations aimed at guaranteeing the revitalization of the General Assembly as the chief deliberative, policy-making and representative organ of the United Nations, so that it could play efficiently and effectively the role entrusted to it under the Charter. It hoped that Member States would help to make that commitment real.

15. The topic of the implementation of Charter provisions related to assistance to third States affected by sanctions under Chapter VII of the Charter could not be separated from the general issue of the imposition of sanctions by the Security Council, an issue inextricably linked with both the reform of the Security Council's working methods and the expansion of its membership. Consequently, the paper on some considerations concerning the fundamental principles and criteria for the imposition of sanctions and other coercive measures took on special significance and importance for the comprehensive study of the issue of sanctions as a whole. Her delegation considered that to be another of the fundamental priorities of the work of

the Special Committee, since the General Assembly was the only principal organ which was universal and truly democratic and would be fully competent to deal with an issue that had an impact on the majority of States. The imposition of sanctions should be an exceptional measure that expressed the collective will of Member States faced with the existence of a real threat to international peace and security. Thus, the imposition or lifting of sanctions by the Security Council should not be another privilege of its permanent members in addition to the veto, as a coercive instrument in the hands of a few States. In order to guarantee that sanctions could act as an effective and just mechanism, a true and dynamic interrelationship must be established between the General Assembly and the Security Council, and the role in the area of international peace and security which the Charter assigned to the General Assembly should become a reality. Cuba was convinced that the General Assembly should play an active role in the taking of decisions concerning the possible imposition of sanctions against a Member State as well as in the monitoring of those sanctions. To that end, it had firmly supported the proposals made in the past by the Movement of Non-Aligned Countries concerning the establishment of a mechanism to implement the application of Article 50 of the Charter based on the definition of the institutional responsibilities of the Security Council, a topic on which the papers submitted by the Russian Federation and Libya made a valuable contribution.

16. **Mr.** Narinder **Singh** (India) said that his delegation attached the highest importance to the proper implementation of Article 50 relating to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, a matter which had been under consideration in the Special Committee for the past several years without a definitive answer. Economic embargoes and trade sanctions had caused great hardship to third States and their peoples, especially developing countries. The Security Council, which under Chapter VII of the Charter had competence to impose and enforce sanctions on a target State, acted on behalf of all Member States, and was thus also responsible for alleviating the damage suffered by third States by simultaneously creating mechanisms to provide such relief. Such mechanisms, to be effective, must include a fund with adequate financial resources provided through assessed contributions, so that they could be activated automatically in each case of an adverse impact on third States. His delegation fully endorsed the conclusions and recommendations of the ad hoc expert group meeting convened pursuant to General Assembly resolution 52/162 as contained in the report of the Secretary-General (A/53/312) including, inter alia, the recommendation that the Security Council should give careful consideration to the potential effects of sanctions both on the target State and on third States before imposing such measures; that the Council should take into consideration the need for appropriate and timely exemptions for humanitarian purposes; that the concept of burden-sharing and equitable distribution of costs, as reflected in Articles 49 and 50 of the Charter, was relevant to both minimizing collateral damage and encouraging full cooperation in the implementation of sanctions; and that the cost of carrying out preventive or enforcement measures, such as economic sanctions, particularly the consequences for affected developing countries, should be borne by the international community on a more equitable basis, through either voluntary or assessed contributions, as in the case of the cost of peacekeeping operations. Considerable time had elapsed since the expert group had made its recommendations and its report should be considered as a matter of urgency in a working group of the Sixth Committee, especially in the light of General Assembly resolution 51/208, which mandated the establishment of "further mechanisms or procedures, as appropriate" with a view to achieving the objective of Article 50.

17. The revised working paper submitted by the Russian Federation entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation" constituted a useful basis for further consideration of proposals on the maintenance of international peace and security. The need to develop universal consensus on the parameters governing the imposition of sanctions could not be overemphasized. Some of the suggestions contained in the proposal were also to be found in the main conclusions and recommendations of the expert group and had met with the Special Committee's approval. In the context of "smart sanctions", which had found general support in the Special Committee, the proposal of the Libyan Arab Jamahiriya regarding the responsibility of the United Nations to prevent or minimize financial or economic burdens other than those resulting from the direct application of sanctions merited further consideration.

18. His delegation had noted with interest the working papers submitted by Cuba entitled "Strengthening of the role of the Organization and enhancing its effectiveness", which included discussion of the reform of the Security Council. It also welcomed the revised proposal submitted by Sierra Leone and the United Kingdom on dispute prevention and settlement, which stressed the need to resort to existing methods for the peaceful settlement of disputes and encouraged States to settle their disputes at an early stage. With respect to the proposal that the Trusteeship Council should be reformed to protect the global commons or the common heritage of mankind, his delegation had doubts regarding the usefulness of setting up a global mechanism to deal with matters for which institutional arrangements were already in place. He noted the progress made in the updating and publication of the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*; in view of their importance as reference materials, higher priority should be accorded to their early updating and regular timely publication. Lastly, he welcomed the Japanese proposals on review of the working methods and enhancement of the efficiency of the Special Committee.

19. **Mr. Uykur** (Turkey) said that he associated himself with the statement made the previous day on behalf of the European Union but wished to give his views on certain aspects of the Special Committee's work. His Government attached great importance to the issue of implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions: Turkey, as a third State, had suffered considerably from the impact of sanctions. He therefore expected that the deliberations within the relevant United Nations bodies would be concluded without further delay and that a functional mechanism for assistance to third States affected by sanctions would be established. The report of the Secretary-General (A/53/312) summarized the recommendations made by the ad hoc expert group convened in June 1998 in order to develop a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures. Following the report of the ad hoc expert group, several highly relevant documents (A/54/383 and Add.1 and A/56/303) had been issued. However, despite the time that had elapsed and the importance and urgency of the issue, it had not been systematically addressed in the Special Committee. He called on the Secretary-General to submit his report as requested in General Assembly resolutions 54/107 and 55/157, notwithstanding his belief that the Special Committee's work on the topic should begin immediately, regardless of whether the report had been issued. The range of measures proposed in the Special Committee, including granting trade exemptions to affected third States, establishing a fund and giving priority to contractors of those States for humanitarian investments in States targeted by sanctions, could be developed in an in-depth discussion of the matter that would make it possible to find ways of ensuring the effective implementation of such measures. To that end, and in order to streamline the Special Committee's work, it would be useful to establish a working group, an option which had not been utilized in the past but which he believed States should consider. With regard to the revised working paper submitted by the Russian Federation entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation", he agreed that the creation of a situation in which the consequences of the introduction of sanctions would inflict considerable material and financial harm on third States was not permissible, and he was pleased that progress in considering that document had been made during the most recent session of the Special Committee.

20. With respect to the peaceful settlement of disputes, he thanked Sierra Leone and the United Kingdom for their joint proposal. As a general approach, the consent of the parties should be required before a dispute was referred to a resolution board. Furthermore, he commended the Secretary-General's efforts to reduce the backlog in publication of the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*. Turning to the issue of the working methods of the Special Committee, he suggested that its work could be far more efficient; it was important for its meetings to begin on time and for conference services to be better used. The duration of the Special Committee's sessions should be consistent with the importance of its work, which could not be overemphasized since it provided an invaluable forum for addressing matters of common concern.

21. **Mr. Krokhmal** (Ukraine) stressed that the function of the Special Committee as a forum for consideration of various legal issues related to the revitalization and reform of the United Nations was

important, even if the Special Committee had not always been successful in carrying out its mission. In his report issued in September, "Road map towards the implementation of the United Nations Millennium Declaration" (A/56/326), and particularly in the section on strengthening the United Nations, the Secretary-General had set an important and far-reaching agenda well in line with the mandate of the Special Committee. In the light of recent developments in the area of revitalization of the work of the Organization and the recommendations of the Secretary-General in his most recent report, the Special Committee should consider revising its programme of work and begin its next session with a discussion of that issue. While the working papers submitted by Cuba in 1997 and 1998 on the topic of strengthening the role of the Organization should continue to be debated, it would be useful to consider new developments, in particular the aforementioned conclusions and recommendations of the Secretary-General. With regard to the working methods of the Special Committee, although the views of his delegation had not changed and no consensus had been reached on the Japanese proposal, the mere process of considering the proposal had resulted in an improvement in the working methods of the Special Committee, so that its non-adoption should not be considered a failure. On another topic, the proposal submitted jointly by Sierra Leone and the United Kingdom formed an excellent working basis, subject perhaps to a few refinements, and his delegation hoped that it would be adopted without prolonged discussion. With regard to the working paper submitted by Belarus and the Russian Federation, his delegation, while recognizing the validity of many of the observations offered during the past session by several delegations, felt that it should remain on the table, since it provided a good basis for further discussion on a number of legal questions. With respect to the proposal to reconstitute the Trusteeship Council as a guardian of the global commons or the common heritage of mankind, his delegation believed that, in view of the note of the Secretary-General (A/52/849), the issue was important and, despite differences of opinion, should continue to be considered by the General Assembly. In that connection, it was worth recalling the new initiative set in motion during the fifty-fourth session of the General Assembly to establish a United Nations open-ended informal consultative process on oceans and the law of the sea, which could provide an appropriate forum for addressing the issue of trusteeship of the common heritage of mankind.

22. His delegation noted a certain stagnation in the work of the Special Committee on the issue of sanctions. The General Assembly had given the Special Committee a mandate to consider, on a priority basis, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by sanctions. His delegation had worked on the subject in depth during the past session of the Special Committee and had prepared extensive background material. It was determined to continue the work during the next session with a view to achieving practical results. His delegation regretted that the Secretary-General had not yet presented his views on the findings of the ad hoc expert group convened pursuant to General Assembly resolution 52/162, as requested by the General Assembly in its resolutions 54/107 and 55/157 and by the Special Committee. However, that should not constitute an obstacle to the forthcoming in-depth consideration of the issue in the Special Committee. The report of the ad hoc expert group, together with the views submitted by States, the organizations of the United Nations system, international financial institutions and other relevant international organizations constituted a sufficient basis for reaching an agreement on the issue. It was time to move on from discussion to the formulation of agreed guidelines for action. His delegation, together with other sponsors, would be introducing for the consideration of the Sixth Committee a draft resolution on the issue, which it hoped would make a significant contribution to the work of the Committee in that domain.

23. **Mr. Kipkemei Kottut** (Kenya) said that economic sanctions harmed third States as well as the target State. They had a negative socio-economic impact on development, destabilized commerce and destroyed the fabric of the economy nationally and internationally. Therefore, it was imperative that sanctions should be imposed in accordance with Chapter VII of the Charter and only after it was determined that all means of peaceful settlement of disputes had been exhausted. Sanctions should have clearly defined objectives, a specified time frame and clear conditions subject to periodic review. When sanctions affected third States, the provisions of Article 50 of the Charter should be applied and a mechanism or fund set up to provide assistance and minimize the

negative effects on such States. The Special Committee should be put in a position to contribute to the subject, together with other relevant United Nations organs such as the Security Council, the General Assembly and the Economic and Social Council, and in that regard his delegation awaited with interest the views of the Secretary-General on the recommendations formulated by the ad hoc expert group in 1998.

24. With regard to peaceful settlement of disputes, his Government was committed to the procedure laid down in Article 33 of the Charter and urged others to adhere to it. His delegation noted with satisfaction the peace-building initiatives undertaken under the auspices of the Organization of African Unity to resolve ongoing conflicts in Africa, being firmly convinced that all Member States had the duty to contribute to the maintenance of international peace and security and that all parties to a conflict must intensify their efforts to seek a negotiated settlement to secure a lasting peace. Regional organizations had an important role to play in conflict resolution, preventive diplomacy and peacemaking, as a complement to the work of the Security Council. To that end, closer collaboration between regional organizations and the United Nations should be encouraged, and regional bodies should be strengthened in recognition of their contribution to conflict prevention, management and resolution. With regard to the working methods of the Special Committee, his delegation supported the proposals put forward by Japan, which would facilitate the task of the Special Committee to improve the activities of the Organization in keeping with international law.

25. **Mr. Kanu** (Sierra Leone) said that recent events had highlighted the significance and relevance of the work of the Special Committee and had lent an added dimension to its role in the maintenance of international peace and security and the peaceful settlement of disputes. Careful consideration should thus be given to the Special Committee's working methods, as an essential precondition to enhancing its effectiveness. His delegation agreed with the General Assembly that priority should be given to the question of assistance to third States affected by the application of sanctions. It supported the measures taken by the Security Council in recent years to explore ways and means of improving sanctions regimes and limiting their adverse impact on third States. The effectiveness of sanctions undoubtedly depended to a large extent on the cooperation of third States; however, such cooperation could hardly be given if it became the source of major economic distress. With regard to the proposal to define the basic conditions and standard criteria for the introduction of sanctions, his delegation supported the view that a balance should be struck between sanctions regimes and humanitarian assistance, that no sanction should be imposed for an unlimited period of time, that human and humanitarian rights should be respected in time of war and in time of peace and that vulnerable groups should be protected. However, the matter warranted further and more careful consideration in order to ensure maximum flexibility in the sanctions regimes, in keeping with a changing world.

26. As for the peaceful settlement of disputes, his delegation had sponsored, with the delegation of the United Kingdom, a proposal which, despite its incorporation of delegations' observations, had not been adopted unanimously; his delegation hoped that the Special Committee would adopt it by consensus at its next session. It also hoped that the Special Committee would give careful consideration to the proposal submitted by the Libyan Arab Jamahiriya on strengthening the role of the United Nations in the maintenance of international peace and security, and to the working paper submitted by the Russian Federation. In conclusion, he expressed gratitude for the Secretary-General's continuing efforts to reduce the large backlog in the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.

27. **Mr. Lavalle-Valdés** (Guatemala) said that, as indicated by the length of the Special Committee's report in comparison to that of the previous year, the Special Committee had been more efficient in its use of conference services, had fully utilized the time allocated to it and had shown greater vitality with regard to — and interest in — many of the items before it. It was regrettable that progress achieved in the consideration of assistance to third States affected by the application of sanctions had been fairly limited. Many of the recommendations contained in the 2001 report were virtually identical to those of the previous year. It was equally regrettable that some of the proposals were not in the form of a declaration or resolution that could be submitted directly for adoption by the General Assembly. The Special Committee should submit texts to the Assembly which were, from

the outset, in the form of a declaration or resolution of the Assembly and included all the necessary formal elements. His delegation was also concerned about possible duplication between the outcome of the Special Committee's consideration of documents and the result of the work of the informal working group of the Security Council on general issues relating to sanctions and of the Special Committee on Peacekeeping Operations. Lastly, his delegation supported the proposal to establish a mechanism to address issues that arose in connection with the need to assist third States affected by sanctions.

28. **Mr. Gomaa** (Egypt) said that the unprecedented recent events had created a unique opportunity to draw the international community's attention to the suffering of countries affected by the application of sanctions imposed by the United Nations. Sanctions should be exceptional measures and resorted to only after exhausting all peaceful means, on the basis of clear and objective criteria and according to specific timetables, lest they become a political instrument in the service of some members of the Security Council. He referred to the harmful effects of sanctions on the populations of the States they targeted, particularly in the case of Iraq and the Libyan Arab Jamahiriya, and third countries, like his own, which they affected. Although the Charter of the United Nations provided for a mechanism for consulting with third countries affected by sanctions, the Security Council had not used it. His delegation therefore reiterated its appeal to the Security Council to study measures for consulting with those third States, pursuant to the Charter, in order to find ways and means of helping them to overcome the damage they had suffered. He stressed the General Assembly's fundamental duty to find solutions to those countries' economic problems, and, in particular, the role of international financial institutions, which should make every effort to ensure that the burden of sanctions was borne equitably by all Member States. In 1962, the International Court of Justice had issued an advisory opinion on that matter in connection with certain expenditures of the United Nations. A working group might have to be formed to evaluate that question.

29. With regard to the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*, he congratulated the Secretary-General on his achievements with regard to the publication of documents and his efforts to complete the next phase. Nonetheless, he noted that the number of staff members assigned to their preparation had not only not been increased but had actually been decreased, thereby delaying efforts to bring the work up to date. The Secretary-General should obtain the necessary financial assistance to carry out the work. In conclusion, electronic publication could not replace the printed version of the *Repertory* and *Repertoire*.

30. **Mr. Elmessallati** (Libyan Arab Jamahiriya) said that his country was well acquainted with the question of sanctions, having suffered their effects for eight years because of the misuse of veto power, exercised for political rather than legal motives. As a result of sanctions, Libya had been deprived of the right to receive food. The current sanctions regime impeded the humanitarian work of the United Nations and created negative consequences for third States. The Special Committee should therefore study the problem and find ways to mitigate the hardships States suffered through the application of such measures. There was a need to reform United Nations procedures in order to achieve greater transparency and, in that context, he drew attention to some key elements of the proposal submitted by Libya (A/AC.182/L.99) with a view to strengthening the role of the United Nations in the maintenance of international peace and security: the need to bolster the role of the General Assembly in the maintenance of international peace and security as the common responsibility of all States Members of the United Nations; enhancement of the relationship between the General Assembly and the Security Council; consideration of the adverse consequences of the rule of the consensus of the permanent members of the Council and the negative impact of its indiscriminate use; recognition of the principle of the sovereign equality of States; formulation of a precise definition of what constituted a threat to international peace and security so as to ensure that there was no resort to action under Chapter VII of the Charter in cases that did not constitute such a threat; and exploration of the effective implementation of Article 31 of the Charter, which ensured the right of any Member of the United Nations to participate, without a vote, in the discussion of any question brought before the Security Council whenever the latter considered that the interests of that Member were especially affected. He hoped that the Special Committee could conclude the discussion of those topics during the next session and that the proposal submitted by his country would receive the attention it deserved. He also hoped

that there would be an in-depth discussion of the proposal submitted by the Russian Federation and Belarus to the effect that an advisory opinion from the International Court of Justice should be sought concerning resort to the use of force without the prior authorization of the Security Council.

31. **Ms. Eugène** (Haiti) said it was important for the working group established by the Security Council to pursue its discussion of the adverse effects of sanctions on third States, which should lead to the creation of a mechanism to address the special economic problems facing those States. In that connection, she supported the proposal of the Movement of Non-Aligned Countries to establish a trust fund, financed through voluntary contributions, for assistance to third States. Such a mechanism would allow for the application of the civil law principle concerning the rights of third parties of good will, according to which third parties who suffered injury as a consequence of acts perpetrated by other parties would be entitled to receive fair compensation. Her delegation shared the view that sanctions should be imposed only as a last resort after all peaceful means of settlement of disputes had been exhausted. It was necessary to define the objectives of the imposition of sanctions and to determine precise conditions before imposing them in order to avoid putting the most vulnerable populations at risk. Her delegation therefore welcomed Security Council resolution 1343 (2001), which had established a two-month period prior to the entry into force of sanctions.

32. With regard to the strengthening of the role of the Organization and enhancing its effectiveness, the working papers presented by Cuba at the 1997 and 1998 sessions were most useful. Her delegation welcomed the efforts of the Economic and Social Council to implement the Millennium Declaration aimed at achieving greater effectiveness in the fulfilment of the Organization's mandate. Moreover, she believed the time was right for the Special Committee to adopt provisions to end the marginalization of the General Assembly and make recommendations with respect to the division of responsibility between the General Assembly and the Security Council. With regard to the peaceful settlement of disputes, the revised proposal submitted by Sierra Leone and the United Kingdom should be adopted by consensus at the next session of the Special Committee. Concerning the Trusteeship Council, it could not be abolished while Non-Self-Governing and Trust Territories still existed. However, Haiti supported the Maltese proposal that the Trusteeship Council should be converted into a body which would act as coordinator for the common heritage of mankind, safeguard the environment and monitor the governance of the oceans. Her delegation commended the efforts of the Secretary-General to speed up the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. In conclusion, with reference to the working methods of the Special Committee, and the identification of new subjects, she supported the views expressed by the representative of Belgium on behalf of the European Union and associated States with respect to the streamlining of the work of the Special Committee. It was important that the Special Committee should conclude its consideration of the various items on its agenda before embarking on new ones.

Agenda item 172: Observer status for the International Hydrographic Organization in the General Assembly (A/56/145; A/C.6/56/L.2)

33. **Mr. Boisson** (Monaco), speaking as representative of the host country of the International Hydrographic Organization, introduced the request of that organization for observer status in the General Assembly and said that, the organization was a consultative and technical intergovernmental organization established by an international convention done at Monaco on 3 May 1967. Pursuant to Article 102 of the Charter, the Convention had been registered with the United Nations Secretariat on 22 September 1970. The International Hydrographic Organization currently had 69 member Governments, representing all regions of the world. The 1970 Convention had resulted from the desire of the participating Governments to pursue on an intergovernmental basis their cooperation in hydrography. To that end, the organization had two principal bodies: the International Hydrographic Conference and the International Hydrographic Bureau. The Bureau, established in the Principality of Monaco, was responsible for carrying out the tasks assigned to it by the Convention and the Conference and comprised a Directing Committee, which was made up of three members elected for five years, including the President as representative of the organization, and of scientific, technical and administrative personnel. The expenses of the

organization were met from the contributions of member Governments. The International Hydrographic Organization often acted as a coordinating body for the promotion of programmes and projects to strengthen the hydrographic capabilities of developing countries. It also encouraged the conclusion of bilateral and multilateral technical assistance agreements while endeavouring to establish closer links with the international finance institutions. It encouraged the creation of fellowships for hydrographers and nautical cartographers in many countries, regularly took part in meetings of States in connection with the United Nations Convention on the Law of the Sea and had participated in the open-ended informal consultative process established by the General Assembly in its resolution 54/33. Observer status, by allowing the International Hydrographic Organization to participate officially in sessions of the General Assembly, would enable it to work more closely with the programmes and competent institutions of the United Nations system with a view to increasing cooperation and coordination in various marine science activities, while developing its capacity-building activities in its fields of competence. He introduced draft resolution A/C.6/56/L.2 on behalf of his country, the Principality of Monaco, and the headquarters of the International Hydrographic Organization, as well as of Argentina, Australia, Belgium, Brazil, Canada, Colombia, Croatia, Cyprus, Denmark, Ecuador, France, Guatemala, Italy, Morocco, the Netherlands, Peru, the Philippines, Poland and Portugal, which were all members of that organization. He hoped that delegations of other countries, whether members or non-members of the International Hydrographic Organization, would join those States prior to adoption of the draft resolution.

34. **Ms. Al Bakri Devadason** (Malaysia) supported the draft resolution under consideration, of which her delegation was a sponsor. The International Hydrographic Organization played an important role in contributing to the development of ocean affairs and to the work of the United Nations in that regard, and cooperation between the two organizations would promote the implementation of the United Nations Convention on the Law of the Sea, as was evident from the regular involvement of the International Hydrographic Organization in meetings of the States parties to the Convention and in the informal consultative process on the law of the sea established by General Assembly resolution 54/33. Her country had greatly benefited from being a member of that organization and from participating in its work, and the expertise obtained had assisted it in fulfilling its obligations under the Convention. The participation of the International Hydrographic Organization in the sessions of the General Assembly would facilitate its cooperation with the United Nations and enhance the quality of United Nations activities in the field of marine science, training and capacity-building of Member States in ocean affairs.

35. **Mr. Kanu** (Sierra Leone) acknowledged the important work of the International Hydrographic Organization and, while not opposing the draft resolution, said that he would not wish to support an organization that was an exclusive club for developed countries. He therefore asked how many African States were members of the International Hydrographic Organization.

36. **Mr. Gomaa** (Egypt) said his delegation wished to become a sponsor of the draft resolution.

37. **Mr. Medrek** (Morocco) said that his country was a member of the International Hydrographic Organization and supported the request made by the delegation of Monaco.

38. **Ms. Gnecco** (Colombia) said that her delegation supported the request and the draft resolution that had been introduced by the delegation of Monaco.

39. **Mr. Boisson** (Monaco), replying to the question put by the representative of Sierra Leone, explained that the International Hydrographic Organization was not an exclusive club since it was open to all States that wished to belong to it. The African States members of the organization were Algeria, the Democratic Republic of the Congo, Morocco, Mozambique, Nigeria, South Africa and Tunisia. Membership in the organization could be of benefit to States since it provided training and opportunities for international cooperation; he therefore invited experts from Sierra Leone to visit its headquarters in Monaco.

40. **Mr. Kanu** (Sierra Leone) said that he was grateful for the explanation; his delegation wished to become a sponsor of the draft resolution.

The meeting rose at 12.45 p.m.